

**TOWN OF BEAUX ARTS VILLAGE
ORDINANCE NO. 258**

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE REQUIRING
HEARINGS IN CERTAIN CASES; PROVIDING FOR NOTICE OF SUCH
HEARINGS; AND REPEALING ORDINANCE NO. 37.

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS
VILLAGE, WASHINGTON, AS FOLLOWS:**

Section 1. Public Hearing Required.

a. In addition to those public hearings required by state law, a public hearing is required and shall be held at a regular or specially noted meeting of the Town Council upon the following matters:

1. A request for a variance from any provision of any ordinance.
2. The passage, amendment, or repeal of any land-use or zoning ordinance.
3. Amendment of any budget ordinance.

b. The Town Council, whether sitting as the Council or as the Board or Adjustment, may not grant such a variance or pass, amend, or repeal such an ordinance, except at the Council meeting during which the public hearing is held or at a succeeding Council meeting to which the public hearing is regularly continued.

Section 2. Discretionary Hearings. The Mayor, at his discretion, may determine that a public hearing is needed to discuss an issue before the Council. Upon such determination, the Mayor shall direct that notice of the hearing be given in the manner hereinafter provided.

Section 3. Notice of Public Hearing. Notice of all public hearings required under Section 1 or found to be necessary under Section 2 shall be given as follows:

a. **General Requirement.** The notice of each public hearing shall be published in the Town's official newspaper and posted on all mailstands within the Town.

b. **Request for Variance -- Notices to Adjacent Property Owners Required.** In addition to publishing and posting the notice of public hearing for a Request for Variance, the Town Clerk shall mail or deliver a copy of the notice to all owners of property within 300 feet of the property for which the variance is requested. It shall not be necessary to give notice to the Town of Beaux Arts Village when the Town is such a property owner.

Section 4. Form and Contents of Notice. All notices shall be written, shall be titled “Notice of Public Hearing”, and shall be issued and signed by the Town Clerk. Notices shall contain at a minimum the following information:

- a. The time and place of the hearing.
- b. Whether the hearing will be held at a regular or specially noted meeting of the Town Council.
- c. The places and date of posting of the notice.
- d. In the case of a Request for Variance, notices also shall contain the name and address of the applicant, the address or description of the property for which the variance is requested, and a brief description of the nature of the variance requested, and the addresses to which notices were mailed.
- e. In the case of the passage, amendment or repeal of any land-use or zoning ordinance, notices also shall contain a brief description of the matter to be considered or shall have attached to the notice a copy of the proposed ordinance amending or repealing such ordinance.
- f. In the case of other matters for which the Mayor calls a public hearing, the notice shall contain a brief description of the matter to be considered at such hearing.

Section 5. Time for Giving Notice. Notices shall be published, posted, mailed, and/or delivered, as required, not later than fifteen (15) days prior to the date of the public hearing. No hearing will be held unless all required notices are timely.

Section 6. Continued Hearings. In order to properly resolve any matter or issue upon which a notice of public hearing has been given, the Town Council, at an initial hearing or a regularly continued hearing, may continue the matter to a specific date to be announced at said hearing, and no further notice of hearing shall be required.

Section 7. Record of Notice. The Town Clerk shall:

- a. File a copy of the notice, including the places and dates of posting.
- b. File a copy of the letter to the Town’s official newspaper requesting publication and the Affidavit of Publication, when received.
- c. If notices are required to be mailed or delivered, include in the notice the name and address of each person to whom notice was given and the date of the mailing or delivery,.

Section 8. This ordinance shall not be construed as limiting or reducing any present or future notice requirements of the Revised Code of Washington.

Section 9. Repealer. The following ordinance of the Town of Beaux Arts Village is hereby repealed:

a. Ordinance No. 37, approved November 25, 1964.

Section 10. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 11. Effective Date. This ordinance shall take effect five (5) days after its passage and publication.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE
on the 11th day of June, 1996. Signed in authentication of its passage on the 11th of June, 1996.

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy Town Clerk

Town Attorney

I certify that copies of the above ordinance were posted, as required by law, in three of the most public places in the Town of Beaux Arts Village, Washington, on the ____th day of _____, 199__.

Sue Ann Spens, Deputy Town Clerk